

REDACTED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FILED

MAR 10 12 56 PM '05

UNITED STATES OF AMERICA,

Plaintiff

v.

JOSEPH M. PRYER,

Defendant.

Criminal Action No. 05-

15

CLERK
U.S. DISTRICT COURT
DISTRICT OF DELAWARE

INDICTMENT

The Federal Grand Jury for the District of Delaware charges that:

COUNT I

On or about February 17, 2005, in the District of Delaware, JOSEPH M. PRYER, defendant herein, did knowingly possess with the intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A).

COUNT II

On or about February 17, 2005, in the District of Delaware, JOSEPH M. PRYER, defendant herein, did knowingly possess with the intent to distribute 500 grams or more of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B).

COUNT III

On or about February 17, 2005, in the District of Delaware, JOSEPH M. PRYER, defendant herein, did knowingly possess with the intent to distribute marijuana, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(D).

COUNT IV

On or about February 17, 2005, in the District of Delaware, the defendant, JOSEPH M. PRYER, defendant herein, having been convicted of a crime punishable by imprisonment for a term exceeding one year, to wit, (a) a conviction on or about April 16, 2001, in the Superior Court for the State of Delaware, of one count of Robbery Second Degree, in violation of 11 Del. C. § 831; and (b) a conviction on or about October 20, 1997, in the Superior Court for the State of Delaware, of one count of Assault Second Degree, in violation of 11 Del. C. § 612; did knowingly possess in and affecting commerce a firearm, to wit, a Smith and Wesson model 629-3 .44 caliber handgun, serial number BNN4019, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT V

On or about February 17, 2005, in the District of Delaware, the defendant, JOSEPH M. PRYER, defendant herein, in furtherance of his possession with the intent to deliver cocaine, cocaine base, and marijuana, as charged in Counts I through III of this Indictment, all of the foregoing being drug trafficking crimes for which he may be prosecuted in a court of the United States, did knowingly possess a firearm, to wit, a Smith and Wesson model 629-3 .44 caliber handgun, serial number BNN4019, in violation of Title 18, United States Code, Sections 924(c)(1)(A) and (D).

NOTICE OF FORFEITURE

Upon conviction of any of the controlled substance offenses alleged in Counts I through III of this Indictment, the defendant, JOSEPH M. PRYER, shall forfeit to the United States pursuant to 21 U.S.C. § 853, any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of the said violations and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said violations.

If any forfeitable property, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;


it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.

A TRUE BILL:

Foreperson

COLM F. CONNOLLY
United States Attorney

BY:



Keith M. Rosen
Assistant United States Attorney

Dated: March 10, 2005